

In the High Court of Punjab and Haryana at Chandigarh

C.R.No. 6457of 2006
Date of decision:04-12-2006

Deviner Singh and others Petitioners

Versus

Manjit Singh and another Respondent

CORAM: Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr. J.S.Toor, Advocate, for the petitioner.

VINOD K.SHARMA,J (ORAL)

The present revision petition has been filed against the order dated 1-11-2006 passed by the Additional Civil Judge (Sr. Divn.) Amloh, vide which the application moved under Order 1 Rule 10 of the Code of Civil Procedure by Hari Singh, father of the plaintiff Manjit Singh, has been allowed and he has been ordered to be impleaded as a plaintiff.

Manjit Singh had challenged the execution of the sale deed dated 1-8-2000 by his father Hari Singh and in the plaint it was alleged that his father executed the sale deed when he had lost his memory. However, subsequently Hari Singh moved an application for being impleaded as a party which has been allowed by the learned trial Court by observing that for just and proper adjudication of the case, Hari Singh was required to be impleaded as a plaintiff.

Civil Revision No. 6457 of 2006

The learned counsel for the petitioners vehemently contends that this case did not fall under order 1 Rule 10 (1) of the CPC as there was no occasion to implead Hari Singh as a party. I do not agree with the contention raised by the learned counsel for the petitioners.

It is not in dispute that in the suit Manjit Singh had challenged the sale deed executed by his father Hari Singh and, therefore, Hari Singh was a necessary and proper party for just and proper adjudication of the case. Therefore, the application moved by Hari Singh squarely falls under order 1 Rule 10 (1) of the CPC.

Learned counsel for the petitioners thereafter contends that the suit qua Hari Singh had become time barred. This plea cannot be accepted as the suit challenging the sale deed was filed by Manjit Singh within the period of the limitation. However, after impleadment of Hari Singh as a party, it would be open to the petitioners to take an objection as to whether the suit is time barred qua Hari Singh. That can be decided only after the evidence is led by the parties on that point and it cannot be a ground to set aside the impugned order.

Accordingly, there is no error in the impugned order which may call for interference by this Court in exercise of its revisional jurisdiction.

Dismissed.

December 4, 2006
'dls'

(VINOD K.SHARMA)
JUDGE

Civil Revision No. 6457 of 2006

December 4,2006
'dls'

(VINOD K.SHARMA)
JUDGE

Civil Revision No. 6457 of 2006